

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: : Pausch, Mark H.
Serial No. : 08/816,011
Filed : March 11, 1997
For : **Potassium Channels, Nucleotide Sequences Encoding
Them, and Methods of Using Same**
Examiner : Pak, Michael
Group Art Unit : 1646



July 20, 1998

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Sir:

This is in response to the Office Action mailed September 3, 1997 setting forth a restriction requirement and also a requirement to comply with the requirements of 37 C.F.R. 1.821 through 1.825, as set forth in a Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, which accompanied such Office Action (photocopy attached). The response to the Restriction Requirement is set forth in a second paper submitted herewith and entitled "Response to Restriction Requirement."

As evidenced by the attached photocopy of the return postcard sent in with the filing of the subject patent application, and stamped with the USPTO official stamp of receipt dated 3/11/97, the Sequence Listing (both a computer readable form and paper copy form) along with

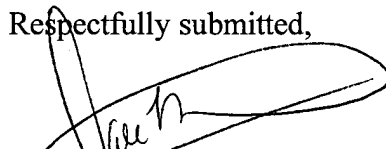
the Rule 8.21(f) Statement (copy also attached) has already been submitted to and received by the USPTO with the filing of this patent application on March 11, 1997.

However, in response to the Office Action, Paragraph 2, enclosed please find a Second Statement Under 37 C.F.R. 1.821(f), a second copy of a computer readable form of the Sequence Listing as required by 37 C.F.R. 1.821(e), and a second copy of the Sequence Listing in paper copy form as required by 37 C.F.R. 1.821(c).

If necessary, please amend the specification as follows:

After page 70 and before the Claims pages, insert the paper copy of the Sequence Listing and repaginate the patent specification as necessary.

Respectfully submitted,




Gale P. Matthews, Reg. No. 32,269
American Home Products Corporation
Patent Law Department - 2B
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973-683-2134
Attorney for Applicants

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

7/20/98
Date


Christine White



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BOX SEC
ACY-32,421-C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Price, L., Pausch, M.**

Serial No.: **Not yet assigned**

Group No.: **Anticipated: 1800**

Filed: **March 11, 1997**

Examiner: **Not yet assigned**

For: **POTASSIUM CHANNELS, NUCLEOTIDE SEQUENCES ENCODING
THEM, AND METHODS OF USING SAME**

Assistant Commissioner of Patents
Washington, D.C. 20231

July 20, 1998

RECEIVED

TRANSMITTAL LETTER

Sir:

JUL 28 1998

Transmitted herewith **is/are**

- Petition for Revival of an Application for Patent Abandoned Unintentionally under CFR 1.37(b), 37 CFR 1.155(c) or 37 CFR 1.316(c)
- Response to Restriction Requirement
- Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
- Second Statement Under 37 C.F.R. 1.821(f)
- Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
- Copy of officially stamped return postcard
- Copy of Statement Under 37 C.F.R. 1.821(f) as originally filed on March 11, 1997
- Sequence Listing diskette
- Paper copy of Sequence Listing

Respectfully submitted,

Gale F. Matthews
Gale F. Matthews
Attorney for Applicants
Registration No. 32,269

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

7/20/98
Date

Christine White
Christine White



APPLICANT'S COPY
ATTACH NO. 3

Application No.: 08/816,011

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

Case No. 3 421-C2

Attorney: Gale F. Matthews

Applicants: Price, L., Pausch, M.

Serial No.: Not yet assigned

Filed: March 11, 1997

For: POTASSIUM CHANNELS, NUCLEOTIDE

SEQUENCES ENCODING THEM, AND METHODS OF USING SAME

The following has been received in the U.S. Patent Office on the date stamped hereon:

☒ Patent Application (78 pages)

☒ Oath/Declaration

☒ Power of Attorney

☒ Transmittal Letter

☒ Drawings 14 Sheets

☒ Informal

☐ Formal

☒ Sequence Listing Disk

☒ Rule 821 (f) Statement

☐ Assignment

☐ Assignment Record. Form

☒ Disc. Statement

☒ Form PTO-1449

☐ With References

☐ Amendment/Response

☐ Affidavit/Declaration

☐ Extension of Time

☐ Notice of Appeal

☐ Brief on Appeal

☐ Reply Brief on Appeal

☐ Petition Under 37 C.F.R.

☐ Issue Fee Transmittal Form

☐ Terminal Disclaimer

☒ Express Mail Certificate

☒ No. TB663627987US

☐ Other

Date Mailed: March 11, 1997

